



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY Department of Toxic Substances Control

Director Debbie Raphael: DTSC is on the right path

The future of the Department of Toxic Substances Control is deeply important to me, as it is to communities, Legislators, businesses and environmental groups. We all want a DTSC that strongly protects the people and environment of California.

Recently, I announced that I will leave DTSC at the end of May to become Director of the San Francisco Department of the Environment. I am able to accept the position knowing that DTSC is more effectively protecting Californians and the environment from toxic harm than when I arrived three years ago. I can say with conviction that the Department is headed in the right direction.

Three years ago, in a very public and transparent fashion, we began identifying the foundational problems that hindered our ability to fully carry out our mission. While it was difficult to have our problems aired publicly, we needed to bring these issues to light so that we could enlist stakeholders in forging solutions. Because of this collaboration, our solutions are concrete and have broad support. They are also being incorporated into the operations of the Department ensuring that the fixes will be in effect long into the future.

A few key examples:

- A \$184.5-million backlog of uncollected cleanup costs dating back 26 years has been reduced by nearly \$22.3 million in the last 11 months. We have sent out 2,400 collection letters to recalcitrant responsible parties. In the past two years we've referred 16 cost recovery cases representing \$47 million in unrecovered cleanup costs to the Attorney General's office, and DTSC's Office of Legal Council is in settlement negotiations with other sites.

Legislative subcommittees recently showed their support for this progress by approving the addition of 14 two-year positions as part of the proposed budget to help us with these cost recovery efforts. And we have revamped and standardized our collection process, recently completing training nearly 400 employees in the new procedures so that shortcomings of the past do not follow us into the future.

- Early in my tenure, we restructured the department to bring the permitting program back into our Hazardous Waste Management Program, where it can closely coordinate with enforcement and report directly to a Deputy Director. Permitting underwent an unflinching independent review and now has a comprehensive work plan that will make the permitting process more protective and timely, enhance enforcement and use more transparent standards and consistent procedures. As a further sign of the support of the Administration and the Legislature, budget subcommittees recently approved adding five two-year positions to help DTSC implement these reform efforts.
- A DTSC staff member was assigned to review hazardous waste manifests to ensure waste is sent to appropriately permitted facilities after I learned that an unpermitted treatment facility in the desert community of Mecca was regularly receiving shipments of hazardous waste. We also completed the process to secure an upgrade to the outdated electronic hazardous waste tracking system. Legislative subcommittees have approved funding to replace our outdated data technology system that created many gaps in our ability to track waste. This will increase the number and effectiveness of inspections and our enforcement. Funding also has been preliminarily approved to add 3 two-year positions to correct errors in hazardous waste tracking data, which will allow DTSC and other agencies to verify that hazardous waste has reached the appropriate destination and ensure that generators, transporters and receiving facilities comply with manifesting and reporting requirements.
- We have thrown the full weight of the department behind our efforts to take enforcement action against hazardous waste violators. We moved our Office of Criminal Investigations into our Office of Legal Affairs to strengthen the program's relationship with offices of local District Attorneys and the Attorney General. We improved the Office of Criminal Investigation's ability to handle statewide cases by adding OCI staff to our Southern California Office. Since 2011, enforcement cases have generated more than \$80 million in penalties, hazardous waste violators have been shut down and some have faced felony criminal charges.
- The Department's focus on environmental justice is now part of all the work we do. This is demonstrated by how we reach out and involve environmentally burdened communities, and how we prioritize our enforcement and cleanup work. We act as a hub for communities that often do not have the ability to navigate the confusing maze of government regulation. We are giving the public a voice in how we settle enforcement actions against violators. In April 2014, we began posting enforcement documents on our website for the public to access.
- We breathed life into the Safer Consumer Products initiative, which had ground to a standstill. As a result of our effort, the Safer Consumer Products Regulations went into effect on October 1, 2013, dramatically changing the way consumers are protected from toxic harm. On March 13, we announced the regulation's first "priority products," challenging manufacturers to make their products safer.

These solutions are not just initiatives embraced by me; they are how DTSC now does business. We have instituted permanent, structural changes to address problems that faced the Department for years. Chief Deputy Director Miriam Barcellona Ingenito was instrumental in their development and is committed – along with the Governor's Office, CalEPA, and all DTSC staff – to their continuation.

I take comfort in knowing that Miriam will be at the helm following my departure. The Governor's Office and CalEPA Secretary Matt Rodriguez are committed to finding a replacement who will continue our momentum and direction.